

REMARKS/ARGUMENTS

This amendment is made in response to the Office Action dated September 29, 2008.

The Examiner appears to further object under 35 USC § 132(a) to the amendment which was filed on July 6, 2007. Now, all doubt should be removed as to the amendment, or its support. That is, there is now only the recitation that in Figures 2 and 6, there are disclosed certain struts that define waves which are continuous curves without any straight sections. The figures have not been modified from the original disclosure, and so have been supported throughout the pendency of this application. And, the amendment made to the specification is merely for clarifying purposes. No new matter has been added, and so any rejection under 35 USC § 132(a) is inappropriate.

The Examiner is requested to remove this rejection.

Claims 21 and 22 were rejected under 35 USC § 102(b) as anticipated by, or in the alternative under 35 USC § 103(a) as obvious over the Kleshinski reference, U.S. Patent 5,746,765.

As to the rejection under 35 USC § 102(b), it is simply not appropriate. Figures 2-5 or 13 as described in Kleshinski describe a strut with straight sections. This is not claimed in claims 21 or 22. Accordingly, Kleshinski is not appropriate to define a strut with no straight sections (in other words, only curved sections), and therefore Kleshinski cannot be used as an anticipating reference.

Regarding obviousness under 35 USC § 103(a), the Examiner seems to find alleged obviousness in the disclosure of Figure 13 of Kleshinski. According to the Examiner, it would have been obvious to have “cross sections of pins 50 of circular configuration rather than square configuration.” The Examiner is missing the point. The pins 50 which help form the struts in the stent of Figure 13 still form the stent so that there are straight sections. This is necessary in the stent of Figure 13, in that the struts 6 abut one another along their length. Thus, these struts must be *straight* in that area, while still fitting between pins 50 during formation. Accordingly, the Examiner cannot claim that merely making struts with a cross section of circular configuration would render the resulting stent obvious.

Accordingly, it is earnestly submitted that the Examiner finally allow these claims. He has pointed to no reference within any of the known prior art which describes wave-like struts having no straight sections and only curved sections. This is the subject matter of the claim, and it is this subject matter which is earnestly submitted is ready for allowance.

Applicants herewith petition for a one-month extension of time. Should additional fees be necessary in connection with the filing of this paper, the Commissioner is hereby authorized to charge Deposit Account No. 10-0750/JJI0049USNP/PAC for any such fees.

Respectfully submitted,

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